#60

(Control 202,620)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)
)
Applicant: FISHER) Art Unit: 2615
)
Serial No.: 08/234,420) Examiner: BRIER, J.
)
Filed: April 28, 1994)
)

Title: IMPROVED GOLF COMPUTER AND GOLF REPLAY DEVICE

Hon. Commissioner of Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. 1.131

Dear Sir:

1. I, Donald Fisher, am the inventor of the captioned application

2. The purpose of this Declaration is to show conception of the invention of the captioned application prior to June 24, 1993, the publication date of the Gunthorpe, et al. reference WIPO 93/12439, and diligence in completing this invention by April 28, 1994, the filing date of this application.

3. Prior to June 24, 1993, I conceived the idea of a portable golf computer utilizing global positioning satellite system to determine position on a golf course and provide a visual display of golf course layout and other golf game related information. From my conception prior to June 24, 1993 until the April 28, 1994 filing of my U.S. patent application, I diligently pursued my invention.

4. Attached as Exhibits A-1 and A-2 are my June 1, 1993 and June 16, 1993 facsimile communications to a Japanese Company who I had then engaged to build the portable golf computer in accordance with my instruction in which I stated that the prototype must be with GSP (sic).

5. Attached as Exhibit B is a subsequent communication to the same Japanese company, indicating the continued development and patent preparation activity of my invention including GSP implementation.

6. Exhibit C is a later communication to the same Japanese company advising that my development work will be proceeding with a California ("Silicon Valley") company.

7. Exhibit D is the development plan for my system prepared in conjunction with the California company, with whom I continued to work through the April 28, 1994 filing of my patent application.

8. The preparation of my patent application proceeded during this period. Attached as Exhibit E are: the first pages of my attorney's drafts of January 31, 1994; February 25, 1994; and his covering letter which accompanied the April 15, 1994 draft.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Donald Fisher

April 26, 1995

Exhibit A-1

FISHER & SON CONSULTING, INC.

RELOCATION MANAGEMENT

FAX NO. (212) 575-5016

TO: CFE	DATE: 06/01/93
ATTN: AK	CITY/COUNTRY: TYO
FAX NO: 588-0930	REF:
FROM: J.JACOBS/D.FISHER	NO. OF PAGES: 13

RE UR FAX OF 5/28

NEVER RECEIVED FAX OF 5/28 AS OUR MACHINE BROKE.

HAVE FOUND EXISTING TECHNOLOGY "GPS" GLOBAL POSITIONING SYSTEM- THIS EQUIPMENT GIVES LONGITUDE AND LATITUDE POSITION OF WHERE YOU ARE FROM A SATELITE. IF INCLUDED IN CADDY CARD IT WOULD GIVE LONGITUDE AND LATITUDE POSITION OF GOLF CART.

A) PLEASE REFER TO ATTACHED CATALOG SHEET. ITEM # GPS 55 AND MAGELLAN NAV 500A-

B) THESE UNITS RECEIVE FROM AMERICAN SATELITES NOTE COST OF USD $995.00 - MIGHT BE POSSIBLE TO HAVE A MORE SIMPLIFIED CIRCUIT MADE JUST FOR LOCATION - SPEED, ALTITUDE ETC. NOT NECESSARY - USD $995.00 PRICE COULD POSSIBLY BE REDUCED DRAMATICALLY IF SASAKI CAN GET A SIMPLIFIED ONE MADE WITH ADAPTABLE SOFTWARE.

C) THE TECHNOLOGY IS USED IN JAPAN ON THEIR CARS - ART HAS SYSTEM IN HIS LEXUS - THE SUPPLIER TO LEXUS CAN POSSIBLY SUPPLY MATERIAL INFO - CFE MIGHT HAVE CONTACTS.

D) NOTE SUCTION CUP MOUNTING USED COULD POSSIBLY BE USED FOR CADDY CARD.

E) GPS IDEA HAS OBVIOUS ADVANTAGES AS IT ELIMINATES INSTALLATION COSTS, TRANSMITTERS, TOWERS, ETC. - WOULD NEED ANTENNA ON CART.

F) PLEASE HAVE SASAKI CHECK INTO THIS IDEA AND ADVISE FEASABILITY.

G) ACCURACY IS SUPPOSED TO BE WITHIN 2 OR 3 FEET - IN CASE OF EMERGENCIES (I.E. WAR) ITS ACCURACY IS ADJUSTED TO MAKE SURE IT IS OFF.

ATTACHED IS COPY OF SIGNED CONTRACT FOR YOUR REVIEW. J.J. IS IN CANADA AND WILL RETURN IN ABOUT 10 DAYS. PLEASE HAVE SASAKI SIGN AND I WILL FAX JJ COPY TO SIGN. UPON RECEIVING FAXED COPY FROM SASAKI WE WILL INITIATE PAYMENT.

BEST REGARDS,
JJ/DON

Exhibit A-2

FISHER & SON CONSULTING, INC.

RELOCATION MANAGEMENT

FAX NO. (212) 575-5016

TO: CFE	DATE: 06/16/93
ATTN: AK	CITY/COUNTRY: TYO
FAX NO: 588-0930	REF:
FROM: J.JACOBS/D.FISHER	NO. OF PAGES: 5

RYF OF 6/15

1) WIRE TRANSFER FROM ATLANTIC BANK OF NEW YORK WILL SEND USD 27,194.48 THURSDAY, 6/17/93. CNFM RCPT.

2) RYF 6/15 PROTOTYPE-MUST BE WITH GSP NO OTHER SYSTEM IS ACCEPTABLE. PLS PUSH SASAKI FOR CONCENTRATED EFFORT TO GET GSP ON FINISHED PROTOTYPE. YOU FAX 6/10 ADVISE HE WOULD CONFIRM FEASIBILITY OF GSP WHEN PROTOTYPE WAS COMPLETED. I ASSUME PROTOTYPE WE WILL SEE WILL HAVE GSP.

3) RYF 6/16 PROTOTYPE SCHED 9/15

A) PLS KEEP US CLOSELY ADVISED OF PROGRESS AS WE WANT TO PLAN TRIP TO JAPAN TO SEE TEST ON GOLF COURSE. PLS MAKE SURE WE WILL SEE PROTOTYPE PERFORM AS PER SPECS SO WE DO NOT WASTE TIME IN JAPAN.

B) PLS HAVE SOME QUALIFIED MEMBERS OF CFE STAFF AND YOURSELF FIRMLY-CONVINCED CADDY CARD PERFORMANCE TEST IS OK BEFORE YOU ADVISE US TO COME TO JAPAN.

4) JJJ GLASSES
TKS FOR FINDING AND HOLDING THEM. PLS SEND BY AIR PP TO JJJ AT PHOTO FACTORY 213 GLEN COVE ROAD, CARLE PLACE, NEW YORK 11514. ADV EXP SO I CAN REIMBURSE YOU.

5) GATHERING MATERIAL FOR FORMAT DATA

A) PLAN TO SEND 4 DIAGRAMATIC COURSE LAYOUTS SIMILAR TO SAMPLE LEFT WHEN WE WERE IN JAPAN (LOCUST HILL CC).
B) WILL TAKE PHOTOS AT WOODCREST CC WIDE ANGLE AND REGULAR OF ALL HOLES ON THE COURSE.
C) WILL VIDEO 2 OR 3 HOLES AT WC CC
D) WILL SEND DRAWING OF ALL 18 HOLES OF WC CC
E) OUT OF BOUNDS INFO USUALLY PUT ON SCORECARD SOMETIMES DIFFICULT TO PUT ON DIAGRAMS. NOTE ATTACHED SCORECARD

6) SOFTWARE FOR SCORECARD
WOULD LIKE THE SCREEN WHERE USER ENTERS SCORE INFO TO LOOK LIKE A SCORECARD, THIS WOULD HAVE ADVANTAGE OF BEING FIMILIAR TO USER AND EASY TO UNDERSTAND. PLS SEND PHOTO OF WHAT SCORE PROGRAM WILL LOOK LIKE WHEN READY.

A) MIGHT NEED EXTRA ROOM FOR GRAPHIC ART WORK TO PUT LOGOS - ETC.

7) RANGEMASTER WIRING WAS DONE BY GOING ACROSS TOP OF DASHBOARD AND THEN TO OUTSIDE OF CART TO BATTERY UNDER THE SEAT. SEE ATTACHED DIAGRAM. METHOD B IS ACCEPTABLE.

8) RANGEMASTER ANTENNA WAS MOUNTED WITH CLASP ON POLE THAT HELD THE ROOD ONTO THE CART.

BEST REGARDS,
JJ/DON

Exhibit B

FISHER & SON CONSULTING, INC.

RELOCATION MANAGEMENT

FAX NO. (212) 575-5016

TO: CFE	DATE: 7/30/93
ATTN: AK	CITY/COUNTRY: TYO
FAX NO: 588-0930	REF:
FROM: J.JACOBS/D.FISHER	NO. OF PAGES: 3

RE TRIP SCHEDULE

1. RE TRIP SCHEDULE
   A. 9/7 TEST OK IN TYPHOON AS LONG AS COURSE IS OPEN

   B. 9/10 ARRIVE IN TYO CATHAY FLIGHT 500 9:15PM

   C. 9/11 PM DISCUSSION OK AVAILABE TO WORK ALL DAY AND NIGHT IF NECESSARY - HAVE MORNING OF 9/12 TOO.

2. TEST ON THE COURSE WITH THE "MY CADDY" SYSTEM IS NOT IMPORTANT, BUT WOULD LIKE INFO ON HOW THE SYSTEM OPERATES.

3. SPECS/PRINTS DO NOT WANT TO MAKE IT ROUGH JUST WANT THE SAME SPECS NEUE WILL SEND TO HIS HK CONNECTIONS.
   A. WOULD LIKE TO SEND THAT INFO TO DCH & FOLLOW UP BY SEEING THEM IN HK.

   B. UNDERSTAND NEED FOR HIGHLY QUALIFIED MAKER AND WILL NOT DO ANYTHING UNTIL WE CHECK VERY CAREFULLY. COST WILL BE ONLY ONE FACTOR WITH QUALITY THE MOST IMPORTANT POINT.

   C. IDEA PROTECTION/AGREE ON CIRCUITS & HI TECH WORK IN JAPAN/HARDWARE IN HK. ASSUME ASSEMBLY AND QUALITY CHECK IN JAPAN.

   D. PATENT PROTECTION IS BEING WORKED ON AND WE WILL HAVE A VERY COMPREHENSIVE PATENT PENDING VERY SOON.

   E. PLEASE KEEP THIS PROJECT AS SECRET AS POSSIBLE UNTIL WE GET IT ON THE MARKET.

4. HOTEL RSVTNS: PLS RESERVE
   A. OKURA 9/5 IN 9/8 OUT DBL NEW WING W/DISCOUNT OR DEAL WE HAD ON LAST TRIP WITH BREAKFAST.

   B. OKURA 9/10 IN 9/12 OUT

   C. REGENT IN HK 9/8 IN 9/10 OUT HARBOUR VIEW DBL W DISCOUNT IF POSSIBLE..

5. WIRE TRANSFER IS BEING SENT HOPEFULLY TODAY IF WE MADE THE DEADLINE OF THE BANK. IF NOT SHOULD DEFINITELY HAVE MONEY 8/3 - WIRE TRANSFERED $16,204.79.

6. MET WITH PATENT ATTORNEY - NEED SOME SPECIFIC ITEMS FOR PATENT FILING AS FOLLOWS.
   A. SOFTWARE BLOCK/FLOW DIAGRAMS FOR ALL ROUTINES AND SUBROUTINES, PARTICULARLY, INFORMATION INDICATIVE OF THE MANNER IN WHICH THE VARIOUS ROUTINES INTERACT.

   B. PSEUDO-CODING AND SOURCE CODE FOR ALL ROUTINES AND SUBROUTINES (EXCEPT THAT STANDARD ROUTINES, SUCH AS KEYBOARD SCANNING ROUTINES OR MODEM ROUTINES, ETC. NEED NOT BE PROVIDED).

   C. DESCRIPTION OF THE FUNCTION OF EACH SOFTWARE ROUTINE AND SUBROUTINE, AND ALL SOFTWARE PROGRAM NAMES.

   D. FUNCTIONAL BLOCK DIAGRAMS, INCLUDING GPS IMPLEMENTATION, VOICE SYNTHESIZER CIRCUITRY, WIND SENSORS, TRAFFIC AND SAFETY SYSTEM OR ANYTHING ELSE THAT COULD BE ADDED IN THE FUTURE (THIS ENHANCES OUR ABILITY TO PATENT AND PROTECT FUTURE PRODUCTS).

   E. FLOW CHART WHICH SHOW THE COMPLETE OPERATION OF THE DEVICE, INCLUDING SOFTWARE AND HARDWARE.

   F. COMPLETE MEMORY MAP, INCLUDING A DESCRIPTION OF THE NUMBER OF BITS DEVOTED TO EACH FIELD OF INFORMATION (E.G., COURSE PARAMETERS, LOCATION, PIN PLACEMENT, GOLF CLUB PARAMETERS, WIND SPEED, ETC.)

   G. BEST DRAFTS OF THE COMPLETE PARTS LIST, ASSEMBLY DIAGRAMS AND OPERATIONS AND SERVICE MANUALS.

   H. DESCRIPTION OF HOW COURSE DATA IS ENTERED INTO EACH OF THE INDIVIDUAL UNITS. (ASSUME THAT HTIS INFO IS PERMANENT AS TO EACH UNIT AND THE IC CARD IS UTILIZED ONLY TO CHANGE TEE AND PIN PLACEMENT ON A DAILY BASIS - AS WELL AS SCORE AND ADVERTISING).

FOR FUTURE REFERENCE, OUR ATTORNEY HAS ADVISED US TO PLACE A COPYRIGHT NOTICE ON ALL SOFTWARE (I.E., ON ALL PRINTOUTS AND EMBEDDED WITHIN THE CODE ITSELF, INCLUDING BEING EMBEDDED WITHINTHE CODE SUCH THAT THE NOTICE APPEARS ON ALL PRINTOUTS) AND DOCUMENTATION RELATED TO THE PRODUCT. IN

ADDITION, THE VARIOUS HELP SCREENS (AND AT LEAST THE START-UP SCREEN) SHOULD DISPLAY THE COPYRIGHT NOTICE. THE PROPER FORM OF COPYRIGHT NOTICE IS:

© 1993 ROBLOR MARKETING GROUP, INC.

ROBLOR MARKETING GROUP, INC. IS A COMPANY THAT JJ AND I SET UP TO MARKET OUR PRODUCT.

BEST REGARDS,

JJ/DON

Exhibit C

ROBLOR MARKETING GROUP, INC.

19 WEST 44TH STREET, SUITE 1409, NEW YORK, NEW YORK 10036 · (212)997-6666

FAX NO. (212) 575-5016

TO: CFE	DATE: 12-16-93
ATTN: AK	CITY/COUNTRY: TYO
FAX NO: 588-0930	REF:
FROM: J·JACOBS-D.FISHER	NO. OF PAGES: 1

RYF - 12/15

1. WE MET SOME SUPPLIERS IN SILICON VALLEY AND FOUND THAT THIS PROJECT CAN BE HANDLED BY ALL OF THEM. ONE SUPPLIER IS BETTER SUITED AND HAS MORE EXPERIENCE. THEY HAVE BEEN IN THE BUSINESS FOR 20 YEARS AND HAVE PROVEN THEIR ABILITY TO COMPLETE PROJECTS SUCCESSFULLY FOR MANY LARGE FIRMS. WE ARE AWAITING THEIR WRITTEN PROPOSAL.
   A. THIS FIRM MAKES THE SOFTWARE WORK ON A PROTOTYPE THAT IS LIKE THE FINISHED PIECE BUT THE OUTER CASE IS IN MATERIAL THAT IS TEMPORARY. THEY MAKE A REAL OPERATING PROTOTYPE.
   B. THIS TRIP RECONFIRMED THE FACT THAT MAKING THE SMART CADDY IN THE USA IS THE RIGHT WAY TO GO.

2. "N" BILL SUBMITTED FOR SOFTWARE NOT TO OUR SPECS WITH OR WITHOUT CORRECTIONS. WE HAVE ADVISED ON PREVIOUS FAXES THE MANY REASONS WHY THE SOFTWARE IS NOT WHAT WE AGREED ON.
   A. REALIZE YOU ARE HAVING A DIFFICULT TIME BREAKING OFF WITH "N" AND SUBMITTED HIS BILL AS REQUESTED. THE FACTS HAVE NOT CHANGED AND WE WILL NOT MAKE ANY MORE PAYMENTS.

3. DON AND I ARE FEELING FINE AND HOPE YOU AND YOUR FAMILY ARE WELL.

REGARDS,
JJ/DON

Exhibit D

Custom Development Plan

Smart Caddy

(ROB01)

January 10, 1994

Prepared For:

ROBLOR MARKETING
19 West 44th Street, Suite 1409
New York, NY 10036

Prepared By:

D.E. Smoler

LOGICAL SERVICES INCORPORATED
3235 Kifer Road, Suite 210
Santa Clara, California 95051
408-739-2600

Logical Services Incorporated

CUSTOM DEVELOPMENT PLAN AND AGREEMENT

Client: ROBLOR MARKETING
Project Name: Smart Caddy
Logical Job#: ROB01

PROJECT DESCRIPTION:

This project involves the development, prototyping, field testing, and pilot production of a "golfers aid," known as the Smart Caddy, with a user interface similar to that demonstrated to Logical on December 8, 1994 and with specifications and operating sequence similar to those in the FAX received January 7, 1994 from Roblor. This system will:

1. Aid golfers in navigating an unfamiliar course.

2. Aid golfers in club selection through measurement of club to hole, or club to (selected) target distances. Provide on-screen help at various levels from beginner through expert.

3. Permit greater use of the course resources and increase revenue by moving games along faster and giving course management an overview of activity.

4. Enable the golfer to store comprehensive data about the game played for future analysis, for statistical record keeping, and possible future input to video games to make them more realistic.

The basis of the Smart Caddy unit will be a marine charting device manufactured by C-MAP, srl. Position locating and distance measurement will be by means of a self contained differential GPS receiver; the reference GPS receiver will be located at the clubhouse and interfaced with a personal computer which will also provide for entry, editing, and storage of changing course data, and for communication with the golfcarts. An RF two-way data-only link will be provided between the clubhouse computer and the golfcarts; down-linking will provide real-time GPS correction and significant course information to the Smart Caddy; the Smart Caddys will uplink position and specified messages. General cartography and canned messages for the specific course will be contained in internal ROM cartridges; tee and pin positions will be contained in a RAM overlay updated through the RF link.

The project will be conducted in three phases. Although there will be some overlap to save time, they will generally proceed as follows:

Phase I - Breadboard and Human Interface Design

This phase of the project will consist of first defining a detailed human interface within the capabilities of the chart plotter and Roblor's marketing requirements. A system design will be done, with detailed computation of all critical parameters, then Logical will complete the system specification. Roblor will select a golf course near Logical which will serve as the site for the breadboard demonstration; C-MAP will prepare the cartography and program the specified Smart Caddy human interface for use in a standard marine plotter.

Simultaneously, Logical will obtain one of each of the CRT and LCD based units and mechanically modify them as required to mount on a golf cart, will obtain differential GPS and RF link components, the clubhouse computer, and begin system integration. Logical will also program the clubhouse computer to provide a rudimentary system (most automatic features will be missing). GVO will produce renderings and models of the proposed case design.

When C-MAP completes its portion of the work, their firmware will be installed in the Smart Caddy Breadboard models and Logical and C-MAP will simultaneously debug the system in a lab environment; it is anticipated that this will occur simultaneously in Italy and Santa Clara, using modem transfers of software files. Logical will also debug the communication system in an outdoors environment.

The resulting system will be mounted on two golf carts and the clubhouse and communications equipment installed at the selected golf course. Logical and GVO will assist with demonstration and focus groups. The main purpose of this phase is to discover any "gotcha's" in the system concept and to refine the human interface.

Phase II - Prototype Development and Field Trial

The object of this phase will be to produce a small quantity of "looks-like, works-like" prototypes which will be installed on golfcarts and at the clubhouse at the target golf course to prove production drawings and actual system components. The system manufacturer will be selected. To get to this point, all partners will cooperate in industrial and mechanical design, with GVO doing the majority of the work, producing ten mechanical models. Logical and C-MAP will complete detailed electronic hardware and software design, assemble, and install ten Smart Caddy units on golf carts provided by Roblor. These units will be evaluated on the target golf course while awaiting the first production units.

Phase III - Product and Manufacturing Engineering

Results of the prototype field trial will be used to revise and complete documentation used to produce the system in production quantities. Enclosure tooling will be constructed and qualified. FCC qualification tests will be performed. Logical will perform first article testing during the pilot run.

Logical will continue to provide support on an as-requested basis when the system enters production. It is anticipated that individual courses will probably request custom features which will require additional programming and possible hardware changes which will result in additional engineering by all parties.

DRAFT (1/31/94)

IMPROVED GOLF COMPUTER AND GOLF REPLAY DEVICE

FIELD OF THE INVENTION

The present invention relates generally to electronic devices for scoring and/or monitoring the game of golf and, in particular, to such a device including means responsive to course position and/or weather and climate conditions, as well as improved course display, game recording and replay features. Further, the present invention relates generally to electronic devices that incorporate means to monitor games that supplement the game of golf, for example, various betting games that golfers engage in while playing golf, and various provisions for keeping track of golf tournament play and competition, for example, match play and multiple round events.

BACKGROUND OF THE INVENTION

In the sport of golf, skillful playing is enhanced by the ability to judge the distance to the hole, which is typically marked by a flag pole (pin), as well as to sand traps, water, or other hazards, from the current position of the ball as one approaches the green. Knowing this distance (for example, the distance to the pin, the distance required to clear a hazard, etc.), enables the player to choose the appropriate club. Frequently, because the golfer has only an inaccurate knowledge

DRAFT (2/25/94)

IMPROVED GOLF COMPUTER AND GOLF REPLAY DEVICE

FIELD OF THE INVENTION

The present invention relates generally to computer type electronic devices to assist in playing the game of golf and, in particular, to such a device including means responsive to course position, as well as weather and climate conditions, to provide improved graphical course display, game recording, and replay features, including historical review and analysis of the individual player's performance. Further, the present invention relates generally to electronic devices that incorporate means to monitor games that supplement the game of golf, for example, various betting games that golfers engage in while playing golf, and various provisions for keeping track of golf tournament play and competition, for example, match play and multiple round events.

BACKGROUND OF THE INVENTION

It is important in the game of golf to be able to accurately judge the distance to the hole. Knowing this distance enables the player to choose the appropriate club. Two frequently encountered problems that degrade a golfer's performance are: (i) inaccurate knowledge of the pertinent distance, and (ii) lack of information about the golfer's own past performance in a similar circumstance. As a result of either or both of these

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(U.S. Patent Agent
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April 15, 1994

Mr. Donald Fisher
Fisher & Son Consulting, Inc.
19 West 44th Street, Suite 1409
New York, NY 10036

Attorney/Client Communication

Re: **U.S. Patent Application**
Improved Golf Computer and Golf Replay Device
AFS Control No. 202,620

Dear Don:

We have revised your system patent application pursuant to our most recent discussions.

Would you please review it for accuracy and completeness. If you are in agreement that it is ready for filing, please phone and I will send you the necessary formal papers for signing. Also, please advise if it is to be assigned to Roblor Marketing Group, Inc.

Sincerely yours,

Stewart J. Fried

SJF:kg
Enclosure

cc: J. Olivo, Esq.